

MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)
Department of Labor and Economic Opportunity (LEO)

AGENCY INSTRUCTION

DOCUMENT IDENTIFIER:
MIOSHA-COM-20-1

DATE:
April 15, 2020

SUBJECT: Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan

- I. Purpose. This instruction establishes policies and procedures for handling complaints alleging hazards related to coronavirus (SARS-CoV-2 virus) and coronavirus disease 2019 (COVID-19).
- II. Scope. This instruction applies to all MIOSHA staff handling coronavirus complaints in the General Industry Safety and Health Division (GISHD), the Construction Safety and Health Division (CSHD), and the Consultation Education and Training (CET) Division.
- III. References.
 - A. General Industry Safety and Health Standard Part 33. R 408.13301 et seq., [Personal Protective Equipment](#).
 - B. General Industry Safety and Health Standard Part 474. R 325.47401 et seq., [Sanitation](#).
 - C. Michigan Occupational Safety and Health (MIOSH) Act, MCL 408.1001 et seq., P.A. 154 of 1974, as amended.
 - D. [MIOSHA Field Operations Manual \(FOM\)](#), as amended.
 - E. Occupational Health Standard Part 451. R 325.60051 et seq., [Respiratory Protection](#).
 - F. Occupational Safety and Health Administration (OSHA), [Guidance on Preparing Workplaces for COVID-19](#).
 - G. OSHA Memorandum, [Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#), April 8, 2020.
 - H. OSHA Memorandum, [Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#), April 3, 2020.
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Next Review Date. This instruction will be reviewed one month from date of issuance.
- VI. Contact. [Adrian Z. Rocskay](#), Director, GISHD, [Lawrence Hidalgo, Jr.](#), Director, CSHD and [Nella Davis-Ray](#), Director, CETD.
- VII. Originator. Barton G. Pickelman, CIH, Director
- VIII. Background. In response to complaints alleging hazards related to coronavirus and COVID-19, MIOSHA will be responding mostly with D letters and recommendation

letters rather than onsite investigations. This is to protect the health of MIOSHA employees, have the agency do its part in social distancing, efficiently deal with large numbers of such complaints, and address health hazards more quickly.

IX. Complaint Assignments.

- A. The GISHD or CSHD manager or supervisor will review the complaint and assign to a district office or directly to a Compliance Safety and Health Officer (CSHO). The CSHO will typically be an industrial hygienist (IH).
- B. Complaints will be processed in accordance with the MIOSHA FOM regarding who is eligible to file a complaint and the timeframe for filing.
- C. If the complaint volume is very high, general industry D letters can be assigned to CSHD CSHOs, recommendation letters can be sent by the CET Division, and safety officers can be given these assignments.
- D. The manager or supervisor assigning the complaint can deviate from the general criteria below in choosing the COVID-19 D letter option versus the COVID-19 recommendation letter option on a case-by-case basis as circumstances warrant. Examples: serious coronavirus issues in a lower exposure risk establishment (use D letter instead of recommendation letter); no violation of regulations, de minimus violations, and/or other-than-serious coronavirus issues in establishments with high exposure risk (use recommendation letter instead of D letter).

X. COVID-19 D Letter (Off-Site Complaint Investigation) – by Phone and Letter. Most complaints in establishments with high exposure and very high exposure risk to coronavirus will be handled by this method. Examples of establishments with high exposure and very high exposure are hospitals, clinics, nursing homes, ambulance services, and funeral homes. See the OSHA publication, [Guidance on Preparing Workplaces for COVID-19](#), for a more complete description of the exposure risk categories for jobs.

- A. Manager or supervisor will assign complaint to CSHO as COVID-19 D letter.
- B. Support staff will give the assignment an unprogrammed activity (UPA) number in the OSHA Information System (OIS) but not an inspection number.
- C. CSHO Responsibilities.
 - 1. Complete a Case File Diary Sheet.
 - 2. Prior to the phone call, the CSHO will review the regulations, guidance, and interpretations from MIOSHA, OSHA, and Centers for Disease Control (CDC) to identify those that are applicable to the circumstances described in the complaint allegations. The CSHO will tailor the conversation with the employer to these regulations, guidance, and interpretations.
 - 3. Call the employer to identify an employer representative.

4. Confirm the name and address of the employer and obtain the name, phone number, and email address of the employer representative to whom the correspondence will be sent. These tasks will occur within one day of the assignment.
5. Explain the off-site complaint investigation process during the phone call.
6. Communicate the complaint allegations, the hazards of coronavirus, applicable MIOSHA regulations and requirements, applicable guidelines from OSHA and CDC, web resources, the timeline for response, and specific documentation expected from the employer in the response.
7. Obtain the employer's response to the complaint allegations during the phone call including a description of the work environment, current conditions, and existing safeguards.
8. Attempt to obtain a verbal agreement from the employer on the steps that it will take to protect its employees from coronavirus. The CSHO will help the employer enact best practices, rather than simply apply the regulations narrowly. In circumstances of shortages of resources (respirators, appropriate personal protective equipment (PPE), hand sanitizer, personnel, etc.), the employer will be advised of the interim steps it can take to protect employee health.
9. Complete and email the letter in [Appendix A](#) to the employer on the same day as the telephone contact.

If the employer does not have an email address, the letter will be sent by US mail. If it is sent by US mail, delete the line on the template indicating it was sent by email.
10. Attempt two to three contacts during one to two days at different times (and different phone numbers if available), if attempts do not yield an employer contact, the employer telephone call can be skipped. Leave a message if the phone number has voicemail. The dates, times, and phone numbers of the attempts will be logged on the Case File Diary Sheet along with the inability to contact.
11. Communicate to the employer that it is illegal to discriminate against employees for filing a complaint with MIOSHA whether the complaint wants their name revealed or not and that the complainant will be informed of their rights under the MIOSH Act.
12. If the complainant wants their name revealed, the CSHO will provide the employer with the name of the complainant during the phone call and in the letter.
13. Note on the Case File Diary Sheet, that the employer was provided the name of the complainant during the phone call.
14. Give the employer two workdays to respond to the complaint allegations.

15. A copy of the letter to the employer will be sent to the complainant using the method they used to file the complaint (email or US mail).
- D. Satisfactory/Unsatisfactory Employer Responses.
1. If the employer responds within the deadline, the CSHO will review the response to determine if it is satisfactory.
 2. If the response is unsatisfactory, the CSHO will call the employer, ask additional questions, explain the deficiencies, and establish a timeline for correction, usually two or five more workdays.
 3. If the employer does not respond within the deadline, the CSHO will contact the management representative.
 4. If the management representative is unavailable, the CSHO will follow the chain of command within the establishment until a management official is reached. The CSHO will determine a revised response date to the emailed letter.
 5. If the employer does not respond after multiple requests, a decision will be made by MIOSHA management as to whether to convert the COVID-19 D letter into a COVID-19 telephone inspection.
 6. Once the company provides a satisfactory response, a closing letter will be sent to the company by email and to the complainant via the method by which they filed the complaint (email or US mail).
 7. Closure of the complaint will be dependent on the employer's compliance with MIOSHA regulations and, as appropriate, the employer's adherence to CDC guidelines. Closure will not be dependent on employer's adherence to recommendations by OSHA.
- XI. COVID-19 Recommendation Letter – by Phone and Letter. Most complaints assigned in establishments with medium and lower exposure risk to coronavirus will be handled by this method.
- A. GISHD manager or supervisor will assign to a CSHO or CET field staff for COVID-19 recommendation letter.
 - B. Support staff will give the assignment a UPA number in OIS but not an inspection number.
 - C. CSHO Responsibilities.
 1. Complete a Case File Diary Sheet.
 2. Prior to the phone call, review the regulations, guidance, and interpretations from MIOSHA, OSHA, and CDC to identify those that are applicable to the circumstances described in the complaint allegations. The CSHO will tailor the conversation with the employer to these regulations, guidance, and interpretations.
 3. Call the employer to identify an employer representative.

4. Confirm the name and address of the employer and obtain the name, phone number, and email address of the employer representative to whom the correspondence will be sent. These tasks will occur within one day of the assignment.
5. Explain the coronavirus recommendation letter process during the phone call.
6. Communicate the complaint allegations, the hazards of coronavirus, applicable MIOSHA regulations and requirements, applicable guidelines from OSHA and the CDC, and web resources.
7. Obtain the employer's response to the complaint allegations during the phone call including a description of the work environment, current conditions, and existing safeguards.
8. Attempt to obtain a verbal agreement from the employer on the steps that it will take to protect its employees from coronavirus. The CSHO will help the employer enact best practices, rather than simply apply the regulations narrowly. In circumstances of shortages of resources (respirators, appropriate PPE, hand sanitizer, personnel, etc.), the employer will be advised of the interim steps it can take to protect employee health in those circumstances.
9. Briefly summarize the employer's response to the complaint allegations on a Field Narrative or the Case File Diary Sheet, as well as the steps the employer says they will take to protect its employees.
10. Communicate that at this time no response from the employer is required but that the employer must follow applicable MIOSHA regulations and requirements.
11. Communicate that the employer will receive a letter from MIOSHA with resources.
12. Attempt two to three contacts for one to two days at different times (and different phone numbers if available), if attempts do not yield an employer contact, the employer telephone call can be skipped. Be sure to leave a message if the phone number has voicemail. The dates, times, and phone numbers of the attempts will be logged on the Case File Diary Sheet along with the inability to contact.
13. Communicate to the employer that it is illegal to discriminate against employees for filing a complaint with MIOSHA whether the complaint wants their name revealed or not and that the complainant will be informed of their rights under the MIOSH Act.
14. If the complainant wants their name revealed, the CSHO will provide the employer with the name of the complainant during the phone call and in the letter.

15. Note on the Case File Diary Sheet, that the employer was provided the name of the complainant during the phone call.
 16. On the same day as the telephone contact, the CSHO will complete and email the recommendation letter in [Appendix B](#) to the employer.
 17. If the employer does not have an email address, the letter will be sent by US mail. If it is sent by US mail, delete the line on the template indicating it was sent by email.
 18. A copy of the letter to the employer will be sent to the complainant using the method they used to file the complaint (email or US mail).
- D. The support staff will close the complaint in OIS upon mailing of the recommendation letter.
- XII. COVID-19 Telephone Inspection. A telephone inspection will be conducted if the employer does not come into compliance during the D letter process. Telephone inspections are to be reserved for serious violations.
- A. Manager or Supervisor will assign to CSHO for COVID-19 telephone inspection, typically the CSHO who did the D letter.
 - B. Support staff will use the UPA number from the D letter and give the assignment an inspection number in OIS.
 - C. CSHO Responsibilities.
 1. Conduct a telephone inspection in the same manner as an onsite inspection according to the procedures set forth for onsite inspections in the MIOSHA FOM, except that the inspection will be conducted remotely by telephone and email.
 2. Complete a Case File Diary Sheet.
 3. The CSHO will already have a verified name and address of the employer and the contact information for the employer representative from the D letter.
 4. Conduct the opening conference, management interviews, and the closing conference by telephone.
 5. Inform the employer, during the opening conference, that the inspection is based on its lack of compliance with the MIOSH Act and MIOSHA regulations as discovered during the D letter process. The CSHO will inform the employer of the potential violations that are being investigated.
 6. Again, obtain a management statement regarding the current status of the potential violations along with supporting documentation from the employer. If the status has not changed from the time of the D letter, additional documentation is not necessary.
 7. Conduct a requisite number of employee interviews. The interviews will be conducted by telephone.

- a) Request from the employer a list of employees and their contact numbers.
 - b) Attempt to the extent possible to ensure that employees are afforded an opportunity for an interview that is private.
8. Presentation of credentials. To validate the contact is from an authorized MIOSHA representative, staff may elect to send an employer representative or employee an email from their State of Michigan email account containing their signature block or the general phone number for the division, so that the individual can contact the division and be transferred to the CSHO.
 9. The COVID-19 telephone inspection will not include a walkaround of the establishment. The CSHO will obtain relevant photographs, records, and written programs from the employer by email. If the employer disputes the violation during the inspection, additional evidence may have to be obtained from the complainant or other party.

D. Citations.

1. When the citation is based on evidence (photographs, reports, sampling, interview statements) not from the employer (for example, from an employee, another government agency), the CSHO must verify that the other party is willing to testify as to the authenticity of the evidence.
2. Citations can be issued for a violation of the general duty clause of the Act and applicable standards such as GI Part 33, [Personal Protective Equipment](#); GI Part 451, [Respiratory Protection](#), and GI Part 474, [Sanitation](#).
3. The CSHO will find and follow the latest guidance documents from OSHA on the enforcement of its standards related to COVID-19. These would include the [Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#) dated April 8, 2020, and [Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 \(COVID-19\) Pandemic](#) dated April 3, 2020.
4. The employer will not be cited if abatement is not feasible. For example, a citation for lack of respiratory protection will not be issued when the employer has made a good faith effort to obtain respirators during a respirator supply shortage and the employer has followed all the CDC guidelines for respiratory protection, including conserving and optimizing respirator use, disinfecting and reusing respirators, and work practices and administrative controls to reduce the necessity of respiratory protection.

5. General duty clause citations can be issued based on the employer not following the latest CDC guidelines provided that:
 - a) The identified hazard and violation are not covered by a MIOSHA standard.
 - b) The four elements for a general duty clause citation have been met. These are found under the MIOSHA FOM, Chapter VI. Inspection Documentation and Issuance Procedures Section (II)(B)(3)(a), Evaluation of Potential General Duty Clause.
 - c) Each element is documented in the case file.
 - d) For element (4), a feasible and useful method to correct the hazard is listed in applicable coronavirus guidelines from the CDC.
 - e) The applicable CDC guideline is referenced in the citation.
 - f) The elements under the FOM, Chapter VI. Inspection Documentation and Issuance Procedures Section (II)(B)(3)(b), Limitations on Use of the General Duty Clause have been addressed.
 - g) The proposed general duty citations have been reviewed by the division director or designee.
 - h) The penalty for the general duty citations shall be issued at \$7,000.
 - i) See [Appendix C](#) for examples of general duty citations.
 - j) See [Appendix D](#) for a list of CDC guidance documents for employers. Be aware that the guidance documents are updated regularly, and new guidance documents can be added.
6. The findings letter and citations will be sent to the employer by certified US mail.

Appendix A

CORONAVIRUS OFF-SITE COMPLAINT INSPECTION – INITIAL LETTER TO ESTABLISHMENT

{Date}

Complaint #

{Name}

{Address}

{Address}

Letter sent by email only, to {email address}

Dear {Name}:

The Michigan Occupational Safety and Health Administration (MIOSHA), { General Industry Safety and Health Division or Construction Safety and Health Division }, has received a complaint alleging safety and/or health hazards at your worksite located at:

{Address}

{Address}

The hazards relate to **coronavirus**. A list of the alleged hazard(s) is as follows:

1.

Based on this complaint, we are conducting an off-site complaint investigation. We do not intend to initiate an on-site inspection currently. As part of the off-site complaint investigation, you are requested to perform a self-audit of the alleged hazardous conditions and make any necessary corrections or modifications to protect employee health within **two workdays** of the date of this letter.

Also, within **two workdays**, please provide me in writing the results of your self-audit and attach any supporting documentation of your findings. There is no penalty for finding deficiencies; you must however correct those deficiencies to ensure employee health and compliance with our regulations. Please include a description of any corrective action you have taken or are in the process of taking. Attach any supporting documents such as written policies, equipment receipts, training records, photographs, and written programs. In addition, OSHA is aware that the current pandemic has created an increased demand for some protective equipment, limiting availability for use in protecting workers from exposure to the virus. If this situation has prevented you from furnishing protective equipment to your employees, you should provide documentation of the efforts you have made to obtain that equipment.

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In particular, we will need to see:

-
-

If you provide the requested information, we will probably not need to conduct an on-site investigation. If we do not receive a response from you within **two workdays** indicating that appropriate action has been taken or that no uncontrolled hazard exists and why, an on-site inspection may be conducted.

Please note: MIOSHA selects, for on-site inspection, a random sample of the off-site complaint investigations where we have received responses in which employers have indicated satisfactory corrective action. This policy has been established to ensure that employers have taken the action asserted in their responses.

You are requested to post a copy of this letter and your response to it where they will be readily accessible for review by all your employees until MIOSHA deems the case closed.

{[Only add this text if complainant wants their name revealed.] During our phone call regarding this matter on {date}, I informed you that the name of the complainant is _____.

You were told that it is illegal to fire or otherwise discriminate against an employee for filing a complaint with MIOSHA or for raising safety and health issues with their employer.} Section 65 of Act 154, the Michigan Occupational Safety and Health Act, states that an employer shall not discriminate against an employee for exercising his or her rights under Act 154. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, the employee may file a complaint with the MIOSHA Employee Discrimination Section. The complainant will be informed of their discrimination rights under Act 154. Employers with effective safety and health programs recognize that employees who raise occupational health concerns are valuable because they can alert them to potential deficiencies in their programs and lead to improvements in the health of staff.

Information about coronavirus; coronavirus disease 2019 (COVID-19), which is the illness caused by coronavirus; and measures you can take to prevent your employees from contracting coronavirus can be found at the following locations:

- State of Michigan COVID-19 website – <https://www.michigan.gov/coronavirus/>
- Occupational Safety and Health Administration (OSHA) COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- Centers for Disease Control (CDC) COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Attached to this email is one of those resources, the OSHA publication entitled Guidance on Preparing Workplaces for COVID-19. Please consult this publication, find the sections relevant to your work operations, and follow the guidelines and requirements from OSHA.

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If you have any questions concerning this matter, please contact me at (insert telephone number).
Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

{Name}

{Title}

{Signers initials in capital letters}: {person preparing letter initials – lower case}

Enclosure

Appendix B

CORONAVIRUS RECOMMENDATION LETTER – TO ESTABLISHMENT

{Date}

Complaint #

{Name}

{Address}

{Address}

Letter sent by email only, to {email address}

Dear {Name}:

The Michigan Occupational Safety and Health Administration (MIOSHA), { General Industry Safety and Health Division or Construction Safety and Health Division }, has received a complaint alleging health hazards related to **coronavirus** at your worksite located at:

{Address}

{Address}

On {date}, I spoke to you by phone concerning this matter. I advised you of the complaint allegations. I informed you of the applicable rules and guidelines from MIOSHA, Occupational Safety and Health Administration (OSHA), and the Centers for Disease Control (CDC). I communicated to you the steps you need to take or should take if the allegations are true, so you can prevent your employees from contracting coronavirus. At this time, MIOSHA is not planning an inspection due to the low or medium exposure risk classification of the establishment and jobs by OSHA, and/or the absence of any allegations indicating a violation of our regulations. However, if the exposure situation changes or the agency receives additional complaints or information that employees are risk, the agency reserves the right to conduct an inspection in the future. We recommend you take the necessary steps to protect your employees from coronavirus.

Information about coronavirus; coronavirus disease 2019 (COVID-19), which is the illness caused by coronavirus; and measures you can take to prevent your employees from contracting coronavirus can be found at the following locations:

- State of Michigan COVID-19 website – <https://www.michigan.gov/coronavirus/>
- OSHA COVID-19 website – <https://www.osha.gov/SLTC/covid-19/>
- CDC COVID-19 website – <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

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Attached to this email is one of those resources, the OSHA publication entitled Guidance on Preparing Workplaces for COVID-19. Please consult this publication, find the sections relevant to your work operations, and follow the guidelines and requirements from OSHA.

{[Only add this text if complainant wants their name revealed.] During our phone call regarding this matter on {date}, I informed you that the name of the complainant is _____.
You were told that it is illegal to fire or otherwise discriminate against an employee for filing a complaint with MIOSHA or for raising safety and health issues with their employer.} Section 65 of Act 154, the Michigan Occupational Safety and Health Act, states that an employer shall not discriminate against an employee for exercising his or her rights under Act 154. If an employee believes that he or she was discharged or otherwise discriminated against as a result of filing a complaint, the employee may file a complaint with the MIOSHA Employee Discrimination Section. The complainant will be informed of their discrimination rights under Act 154. Employers with effective safety and health programs recognize that employees who raise occupational health concerns are valuable because they can alert them to potential deficiencies in their programs and lead to improvements in the health of staff.

If you have any questions concerning this matter, please contact me at (insert telephone number). Your personal support and interest in the safety and health of your employees is appreciated.

Sincerely,

{Name}

{Title}

{Signers initials in capital letters}: {person preparing letter initials – lower case}

Enclosure

Appendix C

Examples of General Duty Clause Citations for COVID-19

Citation for Lack of Social Distancing at Grocery Store Checkout Lanes

408.1011(a): ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT

An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were potentially exposed to the SARS-CoV-2 virus which can cause the respiratory disease Coronavirus Disease 2019 (COVID-19). The employer did not follow the social distancing guidelines in the CDC Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19):

- a. State the task(s) employees were performing, e.g. (location) (date). (Employer was allowing employees to work in every available checkout lane thus placing them within six feet or less of workers in adjacent checkout lanes.)
- b. State the task(s) employees were performing, e.g. (location) (date). (Employer did not install physical barriers such as clear plastic sneeze guards between customers and employees in checkout lanes.)
- c. State the task(s) employees were performing, e.g. (location) (date). (Employer was allowing unlimited customer access into the store and allowing customers in checkout lines to be within six feet of each other.)

Among other methods, a feasible abatement method to correct this hazard is to {Insert required abatement a, b, c, corresponding to specific hazards above}:

- a. Close every other checkout lane to provide a minimum of six feet between employees.
- b. Install physical barriers, such as clear plastic sneeze guards, where feasible, between customers and employees.
- c. Limit the numbers of customers into the store at one time and provide lines of demarcation in checkout lines to keep customers at least six feet apart during checkout process.

Citation for Not Protecting Employees from Coworkers with COVID-19

408.1011(a): ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT

An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were potentially exposed to the SARS-CoV-2 virus which can cause the respiratory disease Coronavirus Disease 2019 (COVID-19). The employer did not follow the guidelines to separate sick employees in CDC Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), and the Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19:

- a. State the task(s) employees were performing, e.g. (location) (date). (Employer allowed employees to be exposed to a coworker who appeared to have symptoms (i.e., fever, cough, or shortness of breath) of COVID-19 upon arrival at work or who became sick during the day; the employer did not separate that employee from other employees; and the employer did not send that employee home, thus potentially exposing other employees to SARS-CoV-2 virus.)
- b. State the task(s) employees were performing, e.g. (location) (date). (Employer allowed employees to be exposed to a coworker who was confirmed to have COVID-19 infection, and employer did not inform those employees of their possible exposure to SARS-CoV-2 virus increasing their risk of spreading the infection to coworkers.)

Among other methods, a feasible abatement method to correct this hazard is to {Insert required abatement a or b, corresponding to specific hazard above}:

- a. Require employees who have symptoms (i.e., fever, cough, or shortness of breath) to notify their supervisor and stay home. Do not allow employees to return to work until criteria to discontinue home isolation are met, in consultation with healthcare providers and state and local health departments.
- b. If an employee is confirmed to have COVID-19 infection, inform fellow employees of their possible exposure to SARS-CoV-2 virus in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Employers should measure the fellow employees' temperature and assess symptoms prior to them starting work (ideally, temperature checks should happen before the individuals enter the facility). If the fellow employees do not have a temperature or symptoms, they should self-monitor under the supervision of their employer's occupational health program. The fellow employees should always wear a facemask while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employee-supplied cloth face coverings in the event of shortages. The employees should maintain six feet and practice social distancing as work duties permit in the workplace. The employer should routinely clean and disinfect all areas such as offices, bathrooms, common areas, and shared electronic equipment.

Citation for Not Cleaning and Disinfecting Work Surfaces

408.1011(a): ACT 154, MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ACT

An employer shall furnish to each employee, employment and a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.

The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were potentially exposed to the SARS-CoV-2 virus which can cause the respiratory disease Coronavirus Disease 2019 (COVID-19). The employer did not follow the guidelines for routine cleaning and disinfection in the CDC Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19):

- a. State the task(s) employees were performing, e.g. (location) (date). (Employer did not routinely clean and properly disinfect all frequently touched surfaces in the workplace. Employees were exposed to frequently touched surfaces in the workplace, such as at their workstations, keyboards, telephones, handrails, and doorknobs potentially exposing them to SARS-CoV-2 virus.)
- b. State the task(s) employees were performing, e.g. (location) (date). (Employer did not perform enhanced cleaning and disinfection of all frequently touched surfaces in the workplace when a sick employee was suspected or confirmed to have COVID-19. After an employee was suspected/confirmed to have COVID-19 in the workplace, employees were exposed to frequently touched surfaces, such as at their workstations, keyboards, telephones, handrails, and doorknobs exposing them to SARS-CoV-2 virus.)

Among other methods, a feasible abatement method to correct this hazard is to {Insert required abatement a or b, corresponding to specific hazard above}:

- a. Routinely clean and disinfect all frequently touched surfaces in the workplace, such as employee workstations, keyboards, telephones, handrails, and doorknobs. If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection. For disinfection, most common EPA-registered household disinfectants should be effective. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time).
- b. If a sick employee is suspected or confirmed to have COVID-19, perform enhanced cleaning and disinfection of all frequently touched surfaces in the workplace, such as employee workstations, keyboards, telephones, handrails, and doorknobs. If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection. For disinfection, most common EPA-registered household disinfectants should be effective. Follow the manufacturer's instructions for all cleaning and disinfection products (e.g., concentration, application method and contact time).

Appendix D

CDC Guidance Documents for COVID-19 for Employers

<https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc>

Businesses (General)

Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (3/27/20)

Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19 (4/8/20)

Personal Protective Equipment

Decontamination and Reuse of Filtering Facepiece Respirators (4/1/20)

Healthcare Supply of Personal Protective Equipment (3/14/20)

Personal Protective Equipment When Caring for COVID-19 Patients (4/3/20)

Release of Stockpiled N95 Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response (3/19/20)

Strategies for Optimizing the Supply of Eye Protection (3/17/20)

Strategies for Optimizing the Supply of Facemasks (3/17/20)

Strategies for Optimizing the Supply of Isolation Gowns (3/17/20)

Strategies for Optimizing the Supply of N95 Respirators (4/4/20)

Use Personal Protective Equipment When Caring for Patients with Confirmed or Suspected COVID-19 (4/8/20)

Healthcare Facilities, Healthcare Professionals

Interim Infection Prevention and Control Recommendations for Patients with Suspected or Confirmed Coronavirus Disease 2019 (COVID-19) in Healthcare Settings (4/2/20)

Operational Considerations for the Identification of Healthcare Workers and Inpatients with Suspected COVID-19 in non-US Healthcare Settings (4/6/20)

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Collection and Submission of Postmortem Specimens from Deceased Persons with Known or Suspected COVID-19, March 2020 (Interim Guidance) (3/25/20)

What Healthcare Personnel Should Know about Caring for Patients with Confirmed or Possible COVID-19 Infection (4/2/20)

Healthcare Infection Prevention and Control FAQs (4/2/20)

Triage of Suspected COVID-19 Patients in non-US Healthcare Settings (3/27/20)

Blood and Plasma Collection (3/21/20)

Interim U.S. Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with Coronavirus Disease (COVID-19) (3/7/20)

Childcare and K-12 Schools

Guidance for Childcare Programs that Remain Open (4/6/20)

Interim Guidance for Administrators of US K-12 Schools and Child Care Programs (3/19/20)

Community and Faith-Based Organizations

Interim Guidance for Administrators and Leaders of Community- and Faith-Based Organizations to Plan, Prepare, and Respond to Coronavirus Disease 2019 (COVID-19) (3/23/20)

Correctional Facilities

Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (3/23/20)

Dentistry

Dental Settings (4/8/20)

First Responders

What Law Enforcement Personnel Need to Know about Coronavirus Disease 2019 (COVID-19) (4/2/20)

Interim Guidance for Emergency Medical Services (EMS) Systems and 911 Public Safety Answering Points (PSAPs) for COVID-19 in the United States (3/10/20)

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Homeless Shelters and Unsheltered Homelessness

Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) (3/24/20)

Responding to Coronavirus Disease 2019 (COVID-19) among People Experiencing Unsheltered Homelessness (3/22/20)

Screening Clients at Entry to Homeless Shelters (3/30/20)

Laboratories

Interim Laboratory Biosafety Guidelines for Handling and Processing Specimens Associated with Coronavirus Disease 2019 (COVID-19) (3/31/20)

Nursing Homes and Residential Care Facilities

Preventing the Spread of COVID-19 in Retirement Communities and Independent Living Facilities (Interim Guidance) (3/20/20)

Public Health Professionals

Interim U.S. Guidance for Risk Assessment and Public Health Management of Healthcare Personnel with Potential Exposure in a Healthcare Setting to Patients with Coronavirus Disease (COVID-19) (3/7/20)

Interim Guidance: Public Health Communicators Get Your Community Ready for Coronavirus Disease 2019 (COVID-19) (3/1/20)

Interim Guidance for Public Health Personnel Evaluating Persons Under Investigation (PUIs) and Asymptomatic Close Contacts of Confirmed Cases at Their Home or Non-Home Residential Settings (3/14/20)